

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
COUNTY OF NEWPORT**

The Town Council of the Town of Tiverton, County and State aforesaid held a Special Town Council Meeting/Workshop at the Tiverton Town Hall, 343 Highland Road on Monday, the 6<sup>th</sup> day of April 2009 at 7:00 p.m.

**MEMBERS PRESENT:**

President Bollin, Vice President Arruda, Councilor Costa, Councilor Durfee, Councilor Lambert, Councilor Leonard and Councilor Roderick  
Town Administrator and Solicitor Teitz were also present.

Notice for this meeting was waived.

**TOWN COUNCIL SPECIAL MEETING:**

**Town Council – Resolves for Financial Town Meeting**

Administrator Goncalo presented resolutions to the Council. Budget Committee resolutions were also included. Thought it would be the Council's wishes to have some resolutions in the absence of a moderator. Solicitor Teitz did not realize there was a separate set of resolutions from the Budget Committee. Combined B/C set plus the new resolutions and those from last year's docket and put them all together. Advised Council has a right to put forth resolutions but cannot change those of the Budget Committee.

Resolution #7 is somewhat confusing based on the assumption the Schools would only get what was budgeted with allowances for State Aid from Governor's budget projections. Councilor Lambert was concerned about the School Committee excess. As now drafted that resolution allows the School Dept. to keep the excess, but if the State does not allocate the full amount, the Schools can sue the Town under Carrillo Act. Doesn't feel the Town is getting full consideration.

President Bollin noted in the past the Town was able to ask for the excess back from the School Dept. This resolution addresses that issue. Councilor Durfee, for format and point of order, pointed out the Moderator's rules should be discussed first. Solicitor Teitz noted that #5 was the only one of the first five resolutions that were changed.

Councilor Durfee made a motion, seconded by Councilor Arruda to adopt the first five resolutions with one exception, number 5 should read ***by a majority of the assembly***. Solicitor Teitz noted last year's language for Resolve #3 read as recorded on the prevailing side, my suggestion still have to be on the prevailing side and they would have to swear to confirm. Resolution #2 talks about reverse order only, takes one motion at a time and added "amendments" as well as motions and ***if voting on a financial matter, added***. Councilor Costa thinks the "d" is incorrect in #4, ***shall be deemed to have received***. President Bollin called for a vote on resolutions 1 through 5 as amended. Motion passed unanimously.

Councilor Durfee questioned resolution #6, the appropriating of a reserve fund for \$300,000 for abatements and uncollected taxes. Budget Committee in it's docket, took a vote, on page 3 not to appropriate funds for this purpose, here we are in point contradicting the vote the Budget Committee took on uncollectibles. Page 3, the last sentence contradicts resolution #6.

Administrator Goncalo noted there should be some consideration for unpaid taxes and abatements and how it would be handled if not on the docket. President Bollin thought this was a FTM floor issue to make recommendations for the Town to set aside a certain sum. President Bollin believed, short of a public hearing this should still be on the docket as zero and amended at the meeting. Goncalo said last year this was a resolution. Councilor Durfee noted changes could be made at the public hearing.

Solicitor Teitz noted according to Section 303 additional financial proposals other than by budget committee could be acted upon only if such proposals presented by the Town Council. If presented by the Town Council, you have power notwithstanding the Budget Committee.

Councilor Durfee made a motion to put the actual resolve in and explain to the Budget Committee. Town Clerk noted this could be discussed at the public hearing and asked to clarify the motion. This motion is to add a resolve for #6 to place on the docket. Motion passed unanimously.

Councilor Leonard suggests there is conflict between Resolve #7 and #11. Solicitor Teitz noted #11 is #5 of the Budget Committee resolutions. Sees a problem with B/C resolve #6 due to State law. Councilor Leonard did not want to change what the Budget Committee presented. Councilor Durfee had concerns about #7, if the Council passes, are they substituting for the School Board. The Council is imposing rules on the school and usurping Town Meeting, thinks unnecessarily complicates the Town Meeting and the explanation will be difficult, as a matter of governance and usurping the role of the FTM.

Councilor Durfee made a motion, seconded by Councilor Leonard to reject #7. Discussion ensued. Councilor Arruda on 3/25/09 attended the Budget Committee meeting and marked on a docket copy the vote to a motion to appropriate with aid \$5 million, was voted down 8-2, what was discussed and the Budget Committee recommended what the School requested. Those numbers are conflicting, what I see in this resolve does not jive with the vote from that night. Administrator Goncalo noted the motion was amended and defeated. Subsequent docket as a whole was voted on. Budget Committee recommendation as you see. Councilor Leonard agreed with Councilor Durfee the Council should stay away from #7.

**ATTEST:** \_\_\_\_\_ Nancy L. Mello, Town Clerk

